

**THE DRAIN CODE OF 1956 (EXCERPT)**  
**Act 40 of 1956**

**280.191 County drains; maintenance and improvements; petition; determination of necessity; apportionment; review.**

Sec. 191. When a drain or portion thereof, which traverses lands wholly in 1 county, and lands only in 1 county which is subject to assessment, needs cleaning out, relocating, widening, deepening, straightening, tiling, extending, or relocating along a highway, or requires structures or mechanical devices that will properly purify or improve the flow of the drain or pumping equipment necessary to assist or relieve the flow of the drain, or needs supplementing by the construction of 1 or more relief drains which may consist of new drains or extensions, enlargements, or connections to existing drains, or needs 1 or more branches added thereto, any 5 or at least 50% of the freeholders if there are less than 5 freeholders whose lands shall be liable to an assessment for benefits of such work, may make petition in writing to the commissioner setting forth the necessity of the proposed work and the commissioner shall proceed in the same manner provided for the location, establishment, and construction of a drain. If the project includes a tiled relief drain, or the tiling of an existing open drain or any portion thereof, with a conduit a part of which has an inside diameter in excess of 36 inches or the retiling of an existing drain with a conduit, a part of which has an inside diameter in excess of 36 inches, then the petition shall comply with section 71. The preceding sentence shall not be applicable to the construction of bridges, culverts, and passageways. The word tiling as used in this and other sections of this act, means the laying of a conduit composed of tile, brick, concrete, or other material. When it is necessary for the public health of 1 or more cities, villages, and townships, the petition may be signed solely by a city, village, or township when authorized by its governing body or by a combination of the municipalities, if the municipality or municipalities are liable to assessments at large for a percentage of the total amount assessed for the cost of the proposed work. After the board of determination determines the necessity for the work, as provided in section 72, the commissioner shall, as soon as practicable after the final order of determination prescribed in section 151 has been filed by him, proceed as provided in sections 151 to 161. If the apportionment is the same as the last recorded apportionments, no day of review is necessary, but in other cases the commissioner shall proceed as provided in sections 151 to 161, including the notice of and the holding of a day of review.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956;—Am. 1956, Ex. Sess., Act 5, Imd. Eff. June 23, 1956;—Am. 1957, Act 119, Imd. Eff. May 24, 1957;—Am. 1959, Act 261, Imd. Eff. Aug. 21, 1959;—Am. 1965, Act 194, Imd. Eff. July 15, 1965;—Am. 1968, Act 79, Eff. Nov. 15, 1968;—Am. 1976, Act 196, Imd. Eff. July 15, 1976.

**Popular name:** Act 40